



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

May 6, 2024

By ECF

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Brian Benjamin*, S2 21 Cr. 706 (JPO)

Dear Judge Oetken:

The Government, having conferred with Barry Berke, Esq., counsel for Brian Benjamin, respectfully submits this joint letter to the Court. By order dated December 7, 2022, the Court adjourned trial in this matter *sine die* pending resolution of the Government's appeal of the Court's opinion and order dated December 5, 2022. (Dkt. No. 79). Pretrial filing deadlines were also adjourned, and pending motions and related briefing was held in abeyance. (*Id.*). The Second Circuit issued its opinion on March 8, 2024, and the mandate issued on April 29, 2024. (Dkt. Nos. 115, 116). Benjamin intends to file a petition for certiorari, and the Supreme Court has granted him an extension to August 5, 2024 to do so. The parties therefore jointly propose that the previously ordered adjournments remain in effect and that the parties submit a status letter to the Court on or before October 11, 2024. The parties further request that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), from today through October 11, 2024 to permit Benjamin to seek further appellate review and for the parties to obtain a decision on the same.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: /s/

Celia V. Cohen
Assistant United States Attorney
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cc: Counsel of Record (via ECF)